

Notice of Allowability

Application No.

10/697,796

Examiner

Bryan Bui

Applicant(s)

YASUI ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/31/2003.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 31 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 103103
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Claims 1-28 are allowable over the prior of record because none of the prior art whether taken singularly or in combination to disclose, suggest or make obvious the combination or method as claimed, such require using an adaptive observer in such a way that a product of the estimated value of an amount of drawn air of the cylinder is made equal to a value of an amount of air having passed through the throttle and multiplying the estimated value of an amount of drawn air of the cylinder by the value of identification parameter to obtain a final estimated value of an amount of drawn air of the cylinder (claims 1, 8, 15, 22); using an adaptive observer in such a way that a value obtained by subtracting a product of the estimated value of an amount of recycled exhausted gas and a value of the second identification parameter, and from a product of the estimated value of an amount of drawn air of the cylinder is made equal to a value of an amount of air having passed through the throttle, and from a product of the estimated value of an amount of drawn air of the cylinder to obtain a final estimated value of an amount of drawn air of the cylinder (claims 3, 5, 10, 12, 17, 19, 24, 26).

Kotwicki et al (US 6,321,732) discloses an exhaust gas recirculation measurement system and a system for estimating engine flow, including exhaust gas flow from an manifold of an internal combustion engine to intake manifold (Brief summery of the invention). Jankovic et al (US 6,708,102) discloses a system and method for predicting cylinder air charge in an internal combustion engine; the pressure

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in an intake manifold is calculated and an estimated position for a throttle plate, and a rate change of the pressure in the intake manifold is estimated responsive to the measured intake manifold pressure and the estimated throttle plate position.

These references of Kotwicki et al and Jankovic et al do not disclose the claimed combination as recited in the current application as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

11/16/2004

BRYAN BUI
PRIMARY EXAMINER

